

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE RAMIRO GARZA CANTU,

Plaintiff,

Order

-against-

Civil Action No.
CV-05-3580 (DGT/RLM)

BILLY R. FLANIGAN, UNKNOWN/UNNAMED
DEFENDANT, AND DOES 1 through 10,
inclusive,

Defendants.

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TRAGER, J.:

On July 28, 2009, the parties were directed to respond to the issues raised by the Second Circuit's July 24, 2009 summary order. The parties were directed to submit initial briefs within fifty-six (56) days and reply briefs within seventy (70) days. To date, defendant Billy Flanigan ("Flanigan") has not filed an initial brief or a reply brief. Flanigan shall file a brief within twenty-eight (28) days of the date of this order. If Flanigan wishes to respond to any arguments raised by plaintiff Jose Ramiro Garza Cantu ("Cantu"), Flanigan shall do so in this brief. Cantu shall submit a reply brief within forty-two (42) days of the date of this order. In the event that Flanigan fails

to file a brief within twenty-eight (28) days, the Court will resolve the matter on the papers submitted by Cantu.

Dated: Brooklyn, New York
October 9, 2009

SO ORDERED:

/s/
David G. Trager
United States District Judge